



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



274510

REPLY TO THE ATTENTION OF

C-14J

**CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED**

November 8, 2000

Sealy  
Patrick Rhoa, Esq.  
Walter & Haverfield  
1300 Terminal Tower  
Cleveland, Ohio 44113-2253

**RE:** Notice of U.S. EPA Claims Against You Relating to the  
Skinner Landfill in West Chester, Ohio

Dear Mr. Rhoa:

The United States Environmental Protection Agency (U.S. EPA) has contacted you or your client (you) in the past regarding activities connected with the Skinner Landfill in West Chester, Ohio (Site). The U.S. EPA believes that you are responsible for costs incurred by the U.S. EPA at this Superfund Site.

U.S. EPA has taken response actions at the Site under the authority of the Superfund Program. Below is a brief description of the actions taken at the Site. You are responsible for reimbursing the government for the response costs associated with these activities.

- In 1982, U.S. EPA conducted a limited investigation of the Site and in December of that year the Site was placed on the National Priorities List. In 1985, U.S. EPA began a Phase I Remedial Investigation to identify the Site characteristics and to define the nature and extent of soil, air, surface water, and groundwater contamination at the Site and the risks posed by the Site. U.S. EPA also conducted a biological survey of the East Fork of Mill Creek and Skinner Creek. In 1989, U.S. EPA began a Phase II Remedial Investigation. The Feasibility Study to evaluate different cleanup options for the Site was completed in April of 1992.
- In April of 1992, EPA published for comment the Proposed

Plan for the first operable unit at the Site. The Record of Decision for that operable unit was signed by the Regional Administrator, Region 5, on September 30, 1992. U.S. EPA issued a unilateral order for performance of the first operable unit to a group of potentially responsible parties (PRPs) on December 9, 1992. The Work Plan for the first operable unit was approved by U.S. EPA on March 1, 1993.

- On June 4, 1993, the Regional Administrator signed the Record of Decision for the final operable unit at the Site. The U.S. EPA negotiated an administrative order with a number of PRPs to design the remedy for the final operable unit, and U.S. EPA approved the final design on June 19, 1996. On January 8, 1997, U.S. EPA sent general notice letters to the parties EPA considered to be PRPs at the Site, inviting them to participate in an alternative dispute resolution procedure (ADR). U.S. EPA convened to allocate responsibility for clean-up costs at the Site. In February 1999, U.S. EPA issued a special notice to initiate discussions to fund the implementation of the remedial action and to reimburse U.S. EPA for its response costs. A remedial action consent decree to implement the approved design was subsequently negotiated with the majority of the PRPs at the Site.

The approximate total response costs identified up through May 31, 2000, for the Site total \$4,343,479, excluding Department of Justice costs. A portion of these costs will be reimbursed once the remedial action consent decree and a related settlement with a group of municipalities have been entered by the Court. A summary of U.S. EPA's total costs is enclosed.

Section 107(a) of CERCLA provides that PRPs are jointly and severally liable for all costs incurred by U.S. EPA at a Superfund site, meaning any one party may be liable for all site costs.


U.S. EPA is not making a demand for payment from you at this time. Instead, we are offering you the opportunity to engage in settlement discussions to resolve any claims U.S. EPA may have against you related to the Site. In order to begin settlement discussions and determine an appropriate settlement amount, U.S. EPA is requesting that you release the Allocator's findings from the ADR proceeding relating to your involvement at the Site, including information connecting you to the Site and the total volume and type of material you sent to the Site. U.S. EPA was not a party to the ADR, and as you know the Allocator's findings are confidential under the Case Management Order (CMO) issued by the Court in The DOW Chemical Co., et al. v. Acme Wrecking Co. Inc., et al., (No. C-1-97-0307). Any material released to U.S. EPA for settlement discussions, therefore, must be redacted to

comply with the CMO. In order to reach a fair settlement, it is important that you release to U.S. EPA not only the Allocator's final findings (April 12, 1999), but the preliminary findings (October 6, 1998), explaining his reasoning, as well as any appendices that show total volume, type of waste, and percentage of total Site volume the Allocator determined you sent to the Site.

After U.S. EPA receives this information and reviews it, a settlement conference can be scheduled to discuss settlement of U.S. EPA's claims. In order to resolve these claims as quickly as possible and avoid any further delay and expense, I am requesting that you respond to this letter **no later than November 22, 2000**. If you have already released the allocator's findings to U.S. EPA I will contact you in the near future to schedule a settlement conference.

I encourage you to participate in this procedure in order to resolve any outstanding claims against you and to avoid the time and expense of litigation. I may be reached at (312) 353-8870. I look forward to hearing from you in the near future.

Sincerely,



Craig Melodia  
Assistant Regional Counsel

Encl.

bcc: File, C-14J  
Sherry Estes, C-14J  
Drenaye Houston, U.S. DOJ - ENRD  
Annette Lang, U.S. DOJ- ENRD

**ITEMIZED COST SUMMARY  
SKINNER LANDFILL, OH  
SUPERFUND SITE # 73  
PREPARED 06/30/2000**

**Costs from August 1, 1997  
Through May 31, 2000**

**EPA PAYROLL –**

–Headquarters	\$	1,483.89
–Regional		141,713.89

**INDIRECT COST –**

–		249,813.50
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**EPA TRAVEL –**

–Headquarters		0.00
–Regional		7,072.44

**ARCS CONTRACT –**

–W. W. Eng. & Science (68-W8-0079)		(507.09)
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**ESS CONTRACT –**

–Dynamac Corporation (68-W4-0015)		20,238.46
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**INTERAGENCY AGREEMENT (IAG) –**

–Agency for Toxic Substances & Disease Registry		52,771.11
–Department of Justice (DW15653201)		29,728.40

**OTHER EXPENDITURES –**

–Resolve (68-W4-0001)		29,935.56
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**RAC CONTRACT –**

–Roy F. Weston (68-W7-0026)		47,638.88
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TOTAL EPA COSTS BEFORE INTEREST	\$579,889.04
TOTAL COSTS RECOVERED TO DATE	<u>0.00</u>

TOTAL EPA COSTS FOR SKINNER LANDFILL	\$579,889.04
Prejudgment Interest	<u>26,998.79</u>

TOTAL EPA UNRECOVERED COSTS FOR SKINNER LANDFILL, OH	<u>\$606,887.83</u>
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**ITEMIZED COST SUMMARY  
SKINNER LANDFILL, OH  
SUPERFUND SITE # 73  
PREPARED 09/10/97**

**Cumulative  
Through July 31, 1997**

**REM CONTRACTS --**

--CH2M Hill (68-01-6692)	30,376.19
--Camp, Dresser & McKee (68-01-6939)	926,958.94

**TAT CONTRACTS --**

--Ecology & Environment, inc. (68-W0-0037)	11,493.87
--Roy F. Weston (68-01-6669)	29,268.44
--Roy F. Weston (68-01-7367)	6,495.90

**TES CONTRACTS --**

--Jacobs Engineering (68-01-7351)	261.93
--Metcalf & Eddy (68-W9-0007)	11,488.63
--Resource Applications, Inc. (68-W8-0109)	5,310.17
--Techlaw (68-W0-0001)	4,202.79

<b>TOTAL EPA COSTS BEFORE INTEREST</b>	<b>3,736,591.16</b>
<b>TOTAL COSTS RECOVERED TO DATE</b>	<b><u>0.00</u></b>

<b>TOTAL EPA COSTS FOR SKINNER LANDFILL</b>	<b>3,736,591.16</b>
<b>Prejudgment Interest</b>	<b><u>0.00</u></b>

<b>TOTAL EPA UNRECOVERED COSTS FOR SKINNER LANDFILL, OH</b>	<b><u>3,736,591.16</u></b>
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**Please Note:** National Contract Laboratory program costs may be significantly understated. These costs do not include any lab costs that may have been billed to EPA prior to FY 1986. If such costs were incurred, and no estimate of the CLP Sample Management Cost (ranges from 6.1% to 17.0% of Analytical costs) is provided. A complete accounting of Contract Laboratory Costs normally is provided by VIAR within the documentation process.

This summary does not include Department of Justice costs. Those costs will be documented separately by the Department of Justice.

**ITEMIZED COST SUMMARY  
SKINNER LANDFILL, OH  
SUPERFUND SITE # 73  
PREPARED 09/10/97**

**Cumulative  
Through July 31, 1997**

**EPA PAYROLL --**

--Headquarters	\$	513.66
--Regional		325,137.33

**INDIRECT COST --**

--	721,044.00
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**EPA TRAVEL --**

--Headquarters	151.22
--Regional	37,969.47

**ARCS CONTRACT --**

--W. W. Eng. & Science (68-W8-0079)	1,052,139.70
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**CLP CONTRACTS --**

--Financial Cost Summary	505,687.07
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**ESAT CONTRACTS --**

--Lockheed Engineering & Sciences (68-D1-0158)	5,064.14
--Roy F. Weston (68-01-7443)	27,402.95

**FIT CONTRACT --**

--Ecology & Environment (68-01- 6056)	12,905.77
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**INTERAGENCY AGREEMENT (IAG) --**

--U. S. Army Corps Of Engineers (DW96947674)	18,537.36
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**MISCELLANEOUS EXPENDITURES --**

---(151059NASA)	164.48
---(151062NASA)	67.50
---(151063NALT)	430.40
---(151086NALT)	868.56
---(152737TASA)	768.90
---(552028NASA)	1,290.96
---(552114NASA)	399.00
---(91052Q0178)	12.75
---(9105CN0009)	45.45
---(94455)	4.94
---Dun & Bradstreet (5U0024NBLX)	43.09
---Federal Express (SUS20485)	42.00

**NEIC CONTRACT --**

--Dun & Bradstreet (3U1001NBLX)	43.60
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